

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 NORTHWEST PHYSICIANS  
14 LABORATORIES, LLC,

Defendant.

CASE NO. CR19-0228-JCC

ORDER

15 This matter comes before the Court on the Government and Defendant Northwest  
16 Physicians Laboratories, LLC's joint motion to proceed with a guilty plea hearing by video or  
17 telephone conference (Dkt. No. 68). Having thoroughly considered the motion and the relevant  
18 record, the Court hereby GRANTS the motion for the reasons explained herein.

19 **I. BACKGROUND**

20 On November 6, 2019, Northwest Physicians Laboratories, LLC ("NWPL") and three  
21 other defendants were charged by indictment with scheming to solicit and receive kickbacks in  
22 connection with urine toxicology testing. (Dkt. No. 3.) Defendant Jae Lee, NWPL's Chief  
23 Executive Officer, pled guilty to count one of the indictment in July 2020. (Dkt. Nos. 56, 60.)  
24 After multiple continuances, trial is presently scheduled for April 26, 2021. (See Dkt. No. 67.)

25 NWPL and the Government have now reached a plea agreement and jointly move to

1 proceed with NWPL's guilty plea hearing by video or telephone conference. (*See generally* Dkt.  
2 No. 68.) According to the parties, a remote plea hearing is warranted to provide the company  
3 with certainty after years of investigation, provide clarification as to the posture of the case for  
4 the remaining co-defendants going forward, allow the Government to focus resources on other  
5 defendants' cases, avoid delay that could jeopardize the parties' negotiations, and reduce strain  
6 on court resources. (*Id.* at 3.) According to the motion, NWPL, through its authorized corporate  
7 representative, consents to a video or telephonic plea hearing. (*Id.* at 2.) Defendant Jae Lee is the  
8 corporate officer authorized to enter the plea agreement. (Dkt. No. 69.)

## 9 **II. DISCUSSION**

10 Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a  
11 felony plea hearing by video or telephone conference if the defendant consents and the Court  
12 finds that the plea hearing cannot be further delayed without serious harm to the interests of  
13 justice. *See* Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-  
14 136, §§ 15002(b)(2)(A), (b)(4), 134 Stat. 281, 528–29 (2020); W.D. Wash. General Order No.  
15 17-20 (Dec. 23, 2020), 14-20 (Sept. 24, 2020), 04-20 (Mar. 30, 2020). NWPL and the other  
16 defendants have been under indictment for over a year and under investigation for longer, and  
17 they have strong interests in the speedy resolution in this matter. But under General Order 18-20,  
18 in-person proceedings likely cannot resume safely in this District until at least April 1, 2021. *See*  
19 W.D. Wash. General Order No. 18-20 at 2 (Dec. 30, 2020). For this reason and the reasons  
20 identified in the stipulated motion, the Court finds that further delaying NWPL's guilty plea  
21 hearing, despite having already reached a plea agreement with the Government, would cause  
22 serious harm to the interests of justice.

## 23 **III. CONCLUSION**

24 For the foregoing reasons, the Court GRANTS the joint motion to proceed with a guilty  
25 plea hearing by video or telephone conference (Dkt. No. 68). The Court ORDERS that NWPL's  
26 guilty plea hearing before a Magistrate Judge be set as soon as practicable and be conducted by

1 video conference. The Court DIRECTS the presiding judge to establish a record of NWPL's  
2 consent for the hearing, in accordance with General Order No. 04-20.

3 DATED this 1st day of February 2021.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE

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